

R E M A R K S

Applicants have carefully reviewed the Office Action mailed October 6, 2008 and Notice of Panel Decision from Pre-Appeal Brief Review mailed on February 24, 2009. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment and Request for Continued Examination, claims 88-106 are newly presented. No new matter is added. Please cancel claims 18, 25, 27, 53, 55, 58, 59, and 82-87 without prejudice. Claims 88-106 are presented for examination.

Request for Updated Filing Receipt

A request to correct inventorship under 37 C.F.R. §1.48(c) was filed on December 17, 2004. The Examiner indicated that the inventorship has been corrected. Applicants request a copy of an updated filing receipt that reflects the correct inventorship with Stephen C. Jacobsen as the first named inventor in the above-referenced application.

Claim Rejections Under 35 U.S.C. §103

Claims 25, 27, 53, 55, 58, 59, and 82-87 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jacobsen et al. in U.S. Patent No. 6,579,246 in view of Shiber in U.S. Patent No. 5,135,531, as evidenced by Hernandez et al. in U.S. Patent No. 5,396,212. Without conceding the merits of the rejection, please note that claims 25, 27, 53, 55, 58, 59, and 82-87 are now cancelled without prejudice, rendering the rejection moot. Applicants reserve the right to pursue these claims or claims of a similar scope in the future.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Jacobsen et al. in view of Shiber, as evidenced by Hernandez et al. in view of Levine et al. in U.S. Patent Application Publication No. 2003/0009157 or over Jacobsen et al. in view of Shiber, as evidenced by Hernandez et al. in view of Boyle et al. in U.S. Patent Application Publication No. 2003/0105484. Without conceding the merits of the rejection, please note that claim 18 is now cancelled without prejudice, rendering the rejection moot. Applicants reserve the right to pursue this claim or claims of a similar scope in the future.

Conclusion

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

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